

SUPREME COURT OF ARIZONA

In the Matter of)	Arizona Supreme Court
)	No. R-23-0004
RULE 702, RULES OF EVIDENCE)	
)	FILED 8/24/2023
)	
)	
)	
)	

**ORDER AMENDING RULE 702 OF
THE ARIZONA RULES OF EVIDENCE**

A petition having been filed proposing to amend Rule 702 of the Arizona Rules of Evidence, and comments having been received, upon consideration,

IT IS ORDERED that Rule 702 of the Arizona Rules of Evidence is amended in accordance with the attachment to this order, effective January 1, 2024.

DATED this 24th day of August, 2023.

_____/s/
ROBERT BRUTINEL
Chief Justice

TO:

Rule 28 Distribution

Hon Sara J Agne, Tax Court Presiding Judge

Maria Elena Cruz

Lina G Garcia

Rosemarie Pena-Lynch

Steve B Koestner

Sherri McGuire Lawson

Gary M Kula

Shannon L Burns

Kate Milewski

Lisa M Panahi

Erin K Sutherland

David J Euchner

Amy P Knight

ATTACHMENT¹

ARIZONA RULES OF EVIDENCE

Rule 702. Testimony by Expert Witnesses

A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if the proponent demonstrates to the court that it is more likely than not that:

(a)-(c) [No change]

(d) ~~the expert has reliably applied~~ expert's opinion reflects a reliable application of the principles and methods to the facts of the case.

Comment to 2024 Amendment

Rule 702 was amended effective January 1, 2024, to conform to the changes made to Federal Rule of Evidence 702 that took effect on December 1, 2023. These changes are intended to clarify the standard of proof that the proponent of expert testimony must satisfy as well as to address the issue of expert overstatement. Rule 702 permits “cold” experts to offer general, educative testimony to help the trier of fact understand evidence or resolve fact issues. *State v. Salazar-Mercado*, 234 Ariz. 590, 592 ¶ 6 (2014).

¹ Additions to the text of a rule are shown by underscoring and deletions from text are shown by ~~strike through~~.